

CPC Minutes of December 20, 2011

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, December 20, 2011 at 4:45 p.m. in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairman Durkee called the meeting to order at 4:49 p.m.

Members Present: Chairman Stephen Durkee, Vice Chairman Harrison Bilodeau, Ina Anderson, Andrew Cortes and Luis Torrado

Members Absent: JoAnn Ryan and Meredyth Church

Staff Present: Robert Azar, Bonnie Nickerson and Choyon Manjrekar

Approval of meeting minutes from November 15th, 2011: Mr. Cortes made a motion seconded by Mr. Bilodeau to approve the minutes. All voted in favor.

Approval of the CPC meeting schedule for the 2012 calendar year: Mr. Cortes made a motion seconded by Mr. Bilodeau to approve the meeting schedule. All voted in favor.

Director's Report – Discussion of CPC meeting schedule for hearing and approving the revised Comprehensive Plan, changes to Zoning for Downtown and the I-195 surplus land

Mr. Azar said the CPC should hold a public hearing to discuss the Comprehensive Plan amendments and consider zoning changes at the regular meeting on January 17th. He requested that the CPC reconvene for a special meeting on January 24th to vote on the changes, which would be forwarded to the City Council. All members present said they could attend and Mr. Durkee said the rest of the board should be informed of the schedule. Mr. Azar said upon the changes leaving the Commission, a public hearing would be scheduled before the City Council Committee on Ordinances in March and the full Council would hear the changes in May and vote on them in early June.

COMPREHENSIVE PLAN

1. Comprehensive Plan Update - Presentation of proposed updates to Providence Tomorrow: The Interim Comprehensive Plan based on the results of neighborhood charrettes and public input – for discussion

Ms. Nickerson presented an overview of the process to change the Comprehensive Plan and the neighborhood planning process. She said the updated plan contains information received from the neighborhood charrettes, changing economic conditions, changes in state law and incorporation of other City plans like the arts and culture plan and Transit 2020. She went over the major plan changes:

- The entirety of the Greenprint Plan is integrated into the chapter on Sustainability and the Environment with language about urban agriculture.
- Information about sustainability and design was added to the chapter on the Built Environment with language about the I-195 parcels and the I-195 Commission.
- Information on the Knowledge District and transit as it relates to economic development was added to the chapter on Business and Jobs.
- Changes to the chapter on Housing relate to the changes in the economy and the foreclosure crisis and the importance of transit oriented development.

- The Metro study and Core Connector study were integrated into the chapter on transit in addition to language about bicycling and bike share programs.
- The chapter on Arts and Culture has been replaced with the cultural plan of the City's Arts, Culture and Tourism department.
- Information on parks and community gardening was added to the plan.
- A section on community services and facilities was added based on updated information from other City Departments.
- The chapter on Land Use reflects updates from the neighborhood planning process.
- The Waterfront chapter prioritizes water and water dependent uses.
- A new section called "Implementing the Plan" was added and talks about Tax Incentives, Tax Financing, acquisition of property and other tools to implement the plan.
- The Future Land Use Map has been amended to reflect changes to the plan.

Ms. Nickerson said Sections about data would be updated once census data became available. She said the plan had been presented before the Commission and the plan could be viewed online through the City's website, www.providenceri.com. She said comments and changes could be made before the plan was presented before the City Council.

Mr. Torrado asked about uses allowed in the Allens Avenue Corridor. Ms. Nickerson said the Waterfront section of the plan prioritized water dependent uses. Mr. Durkee asked if mixed use was permitted in the zone. Ms. Nickerson said water dependent uses would be prioritized. Ms. Anderson asked where information about historic preservation could be found. Ms. Nickerson said it was available in the chapter on the Built Environment. Mr. Durkee said the changes would be reviewed in January.

2. Zoning of Downtown and I-195 surplus Parcels - Presentation of proposed zoning and design guidelines for Downtown and I-195 surplus parcels – for discussion.

Mr. Azar said the proposed changes are intended to conform to the Downtown Neighborhood Plan and Comprehensive Plan. Mr. Azar introduced the planning framework using an aerial picture. He showed two maps, one showing current zoning and the other showing proposed zoning. He said all of Downtown including the Jewelry District, the D-2 zone and area overseen by the DOWNCITY Design Review Committee would be merged into the D-1 zone with different height limits. The A and B street system would be continued into the Jewelry District with consistent design regulations for all of Downtown. The Downtown Historic District and Industrial Commercial Buildings District (ICBD) would remain unchanged.

Mr. Azar said zoning regulations would be similar to existing ones that encourage mixed use and allow for research and development that is not currently permitted in addition to interim uses to be allowed on undeveloped parcels. Design regulations would be similar to existing ones and the height zones would govern height of structures. He showed examples of Downtown building design. He said the Ordinance wished to create a streetwall with transparent facades on the ground floor and walkable streets with no curb cuts on A streets. Parking and garage entrances with surface parking in some instances would be permitted on B streets. A discussion on design on both types of streets ensued.

Mr. Torrado asked about structured parking Downtown. Mr. Azar said it was encouraged and it was possible that extra height could be granted to a parking structure, but the design and screening needed to be sympathetic to the design regulations. Mr. Bilodeau asked if there would be guidelines for safety, lighting and pricing for developing

parking structures. Mr. Azar said there would be influence in design, but other factors were not the purview of the planning department. A discussion on parking structures ensued.

Mr. Azar said there would be more language added on sustainability measures like green roofs, car charging stations and solar panels. He said dimensional incentives like increased height would be provided to developers providing amenities like open space and structured parking.

Mr. Azar said development of the East Side surplus I-195 parcels would be regulated through an overlay district composed primarily of parcels in the C-2 and W-2 zones. A mix of uses would be encouraged with building height set from 3 to six stories. The design regulations for the parcels would be similar to what is proposed Downtown. Mr. Azar said projects in Downtown and on the East Side parcels would be reviewed through the Development Plan Review Process as described in state law. Development Plan Review would be carried out by the I-195 Commission acting as the Downtown Design Review Committee. Permitted uses would be reviewed internally by staff and uses requiring waivers, incentives or discretionary review would go before the I-195 Commission.

Mr. Azar said the DPD expects the changes to be reviewed by the Commission and sent out with a recommendation to the City Council in January 2012. The Council will consider it between February and May to be passed by the end of June 2012. Ms. Anderson said she was unclear about the review process and asked if the CPC would review projects Downtown. Mr. Azar said the CPC would not. A discussion on the approval process ensued. Mr. Azar said some of the East Side and Downtown parcels were designated as open space but if there were to be any changes, they would be reflected in the zoning map. A discussion on open space ensued.

Mr. Durkee asked what the review process would have been in the absence of the I-195 Commission. Mr. Azar said development would have been regulated through an Overlay District and a design review body. A discussion on possible ways to zone the land ensued.

Mr. Durkee asked if Case no.6 on the agenda could be heard before case no.5 as he had to recuse himself from hearing item no 5. No one objected.

CITY COUNCIL REFERRAL

3. Referral 3343 – Petition for Zone Change from C-1 to C-2 and R-2 to C-2 - Petition to rezone the properties at 1039, 1017 and 1021 Douglas Avenue from C-1 to C-2 and to rezone the properties at 1006 and 1011 Douglas Avenue from R-2 to C-2. The applicant is requesting that all uses permitted in a C-2 zone including a drive in establishment be permitted – for action.

Mr. Azar asked if the applicant or a representative was present. No one came forth. Mr. Azar introduced the proposal, which would rezone the subject lots to C-2 and allow a drive through window by right, which requires a special use permit in a C-2 zone. The change would increase the size of the parking lot and permit an outbuilding with two aisles that would serve as the drive through. Mr. Azar said the DPD recommended denial as it would involve the loss of housing stock, increase paving, did not exhibit well planned urban design and would introduce a use that is out of character with the residential neighborhood. Mr. Durkee said he agreed with the DPD's report. Mr. Torrado asked if the DPD had met with the business owner. Mr. Azar said he had met with the owner who wished to increase his take out business. Mr. Bilodeau made a motion seconded by Mr. Torrado to make a recommendation to the City Council Committee on Ordinances to deny the proposed zone change per staffs finding of fact. All voted in favor.

4. Referral 3344 – Petition to introduce use code 58.1 Incidental Entertainment - Petition to add Use Code 58.1, which would permit incidental entertainment in restaurants but prohibit a dance floor and cover charges – for action.

Mr. Azar introduced the petition whose proponent was Councilman Brian Principe. The petition proposed to permit entertainment that is incidental to an eating or drinking establishment like musicians by right. Cover charges and dance floors would be prohibited. Mr. Azar said it would specify what type of entertainment is permissible in a restaurant atmosphere. He said that despite the definition provided, the petition would leave Use Code 58 intact,

which permits a more intense form of entertainment through a special use permit granted by the Zoning Board. Mr. Azar said that to control entertainment, one option is to strip the Zoning Board of its ability to grant special use permits. Another alternative would be to impose restrictions to reduce the effects of entertainment. Restrictions could include presentation of security plans, monitoring of sound levels and limiting the amount of space within which entertainment occurs. Mr. Azar said the proposed Ordinance could be built upon to introduce conditions to prevent seeing restaurants with entertainment that resemble nightclubs. Mr. Durkee asked if entertainment could be conducted by right in any zones. Mr. Azar said entertainment is permitted by right in D-1 zones and the proposed ordinance does not take that into account.

Mr. Bilodeau suggested that the petition be referred to as “incremental entertainment” instead of incidental entertainment. A discussion on restaurants and entertainment ensued. Mr. Raymond Dettore said the petition reflected what used to exist in the City. He said the proliferation of entertainment special use permits is making enforcement of its effects difficult. Providing the option of incidental entertainment would mean only restaurants intending to have a more intensive use would need to appear before the zoning board.

Mr. Azar said he did not object to the petition but believed that more action would be required to address entertainment in a more holistic sense, especially Downtown. He said the CPC could make a recommendation asking the City Council to consider other regulations to evaluate special use permits, define nightclubs and differentiate it from entertainment. Mr. Dettore said a definition for a nightclub exists in state law and permitting incidental entertainment would be more economical as restaurants wouldn’t have to pay fees for a special use permit. Mr. Torrado asked if there were any issues with approving the petition as presented. Mr. Azar said it wouldn’t cause any harm but it could be improved. Mr. Bilodeau said there should be annual reviews to prevent escalation of the manner of entertainment provided. Mr. Cortes asked if denying the petition would result in the Council presenting a change that would holistically address entertainment. Mr. Torrado asked if the Commission could approve the petition with the recommendation that the council address entertainment comprehensively. Mr. Azar said that would be possible.

Mr. Bilodeau made a motion that the petition be denied and the Committee on Ordinances revise the petition to comprehensively address the issue of entertainment. Mr. Cortes seconded the motion to permit discussion. He said he did not believe denial would bring about the desired changes. Approval of the petition with a recommendation to address the issues of entertainment could be more effective. A vote was taken on the motion, which failed 1-4 with Mr. Bilodeau voting in favor.

Mr. Cortes made a motion, seconded by Ms. Anderson to make a positive recommendation to the City Council Committee on Ordinances that the proposed use code be approved with the recommendation that the Ordinance committee develop the ordinance to view entertainment in a more holistic manner and explore definitions and distinctions between nightclubs and entertainment. Mr. Bilodeau asked when action would be taken by the council. Mr. Azar said it would probably occur before the moratorium on issuing special use permits in Federal Hill expired in March. Mr. Cortes said he would like to see a revised version of the Ordinance before the Commission by February. The motion passed 4-1 with Mr. Bilodeau voting against it.

MAJOR LAND DEVELOPMENT PROJECT

5. Case No. 10-036MA – 460 Pine Street, 56 Somerset Street and 415 Friendship Street (Preliminary Plan Approval) - The applicant is seeking Preliminary Plan approval for a new facility that would accommodate a larger dining hall, kitchen, classroom and office space. The building design from the Master Plan stage has been revised. – for action. (Upper South Providence, AP 23 Lot 999)

The item was heard out of order as the Chair had a conflict with item number 5.

Mr. Azar introduced the project, which received zoning relief and featured a revised building design from the Master Plan Stage. Ms. Eileen Hayes said the project would have a new dining hall, office space, a culinary education program and parking. Mr. David Presbrey described the project's dimensions and parking configuration. Patrons would use the entrance on the easterly side and the carpentry program would be located on the corner of Friendship and Somerset Street. The dining hall and kitchen facilities would be located on the first floor. Two classrooms, a computer lab and offices would be located on the second floor. A boardroom and office space was planned for the third floor. Mr. Presbrey explained the changes to the building façade. A projection on the second floor and first floor on the Somerset street was eliminated in addition to minor modifications on the Friendship Street façade.

Mr. Torrado asked why some projections were eliminated. Mr. Presbrey said it was because of cost. Mr. Torrado said he felt the building looked commercial and said he would prefer a more residential design. Mr. Presbrey said the cost was prohibitive. Mr. Brian Poor said the project had been through many changes to resemble a residential building like an all brick façade, which was changed to stucco. He said the design was not attempting to be too literal.

Mr. Durkee asked for more information about the site plan. Mr. Poor said the site was landscaped in excess of the required canopy coverage after receiving approval from the City Forester. He said zoning relief was received for the location of the dumpster in the rear of the building. Existing street lighting and lighting attached to the building would provide illumination. There would also be 12 foot poles providing further illumination. Mr. Poor said a flatboard fence would be installed between neighboring residences. Mr. Fred Ihenacho presented the drainage plan. He said the site is covered by over 80 percent of building with no catchbasins or drywells, diverting water onto City Streets. He said 25 and 100 year storm events would be contained on site within parking lots through crushed stone. He said the drainage on site complied with the state's stormwater calculations.

Ms. Anderson asked Ms. Hayes about addressing neighborhood issues. Ms. Hayes said that community meetings were held and a dialog was held with the community. Mr. Azar read the staff report which found the project consistent with the Comprehensive Plan and Zoning Ordinance and recommended that the Commission approve the project.

Mr. Cortes made a motion seconded by Mr. Bilodeau to approve the project subject to the final plan approval being delegated to staff. All voted in favor.

MINOR SUBDIVISION

6. 93-95 Althea Street - The applicant wishes to perform a minor subdivision to divide a lot measuring 11,960 SF into two lots measuring 7,960 SF and 4,000 SF respectively – for action. (West End, AP 31 Lot 361)

Mr. Durkee recused himself and left the meeting.

Mr. Azar introduced the proposed subdivision, which is part of a larger project to rehabilitate housing in the West End. The applicant is proposing to subdivide the 11,960 SF lot into two lots measuring 7,960 SF and 4,000 SF respectively for construction of two houses. The project received relief from the Zoning Board of Review for minimum lot area, lot area per dwelling unit, rear yard setbacks and density.

Mr. Drew Kaplan of Chase Rutenberg representing Phoenix Apartments said the project was part of a larger housing development plan. Mr. Larry Brown of Omni Development Corporation, the co-developer, said the approval was one of the final ones required for the project. Mr. Michael Tavares said the three story building which was demolished had eight residential units. He said the new development was in character with existing housing stock and would reduce the original density. Mr. Azar said parking for both houses would be located on one lot. A discussion ensued on site design and configuration. Mr. Torrado asked if the project met minority hiring standards. Mr. Derek Farias said the project would have 20 percent women and minority labor. A discussion ensued on labor used for the project.

Mr. Azar read out the staff report which found the project to be consistent with the Comprehensive Plan and Zoning Ordinance after receiving approval from the Zoning Board of Review.

Ms. Anderson made a motion seconded by Mr. Cortes to approve the project subject to the findings of DPD staff. All voted in favor.

ADJOURNMENT

Mr. Cortes made a motion seconded by Ms. Anderson to adjourn the meeting. All voted in favor.

The meeting adjourned at 6:52 pm

Respectfully Submitted,

A handwritten signature in dark ink, appearing to be 'C. Manjrekar', with a stylized flourish at the end.

Choyon Manjrekar,
Recording Secretary